

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ALTON D. STOWERS,

Plaintiff,

v.

JASON M. HASTEY, *et al.*,

Defendants.

Case No. 2:25-cv-1110-JDP (P)

ORDER; FINDINGS AND
RECOMMENDATIONS

Plaintiff, a state prisoner proceeding pro se, has requested leave to proceed *in forma pauperis* and has submitted an affidavit in support of his application, as required by 28 U.S.C. § 1915(a)(1). ECF No. 2.

Pursuant to federal statute, a filing fee of \$350.00 is required to commence a civil action in federal district court. 28 U.S.C. § 1914(a). This court also requires a \$55 administrative fee. An action may proceed despite a plaintiff's failure to prepay the entire fee only if he is granted leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915(a). *See Andrews v. Cervantes*, 493 F.3d 1047, 1051 (9th Cir. 2007).

A prisoner seeking leave to proceed *in forma pauperis* must submit a "certified copy of the trust fund account statement (or institutional equivalent) for . . . the 6-month period immediately preceding the filing of the complaint." 28 U.S.C. § 1915(a)(2); *Andrews v. King*, 398 F.3d 1113, 1119 (9th Cir. 2005). From the certified trust account statement, the court

1 assesses an initial payment of 20% of (a) the average monthly deposits in the account for the past
2 six months, or (b) the average monthly balance in the account for the past six months, whichever
3 is greater, unless the prisoner has insufficient assets. *See* 28 U.S.C. § 1915(b)(1) & (4); *Bruce v.*
4 *Samuels*, 577 U.S. 82, 84 (2016). Prisoners who proceed *in forma pauperis* must pay any
5 remaining balance in “increments” or “installments,” regardless of whether their action is
6 ultimately dismissed. 28 U.S.C. § 1915(b)(1) & (2); *Bruce*, 577 U.S. at 84.

7 Plaintiff’s affidavit indicates that he has \$405 in his inmate trust account, and contains a
8 handwritten note stating, “I can pay full amount,” ECF No. 2 at 2, yet his CDCR trust account
9 shows a balance of \$5,589.12, *id.* In light of plaintiff’s representations and considering the funds
10 in his trust account, I ordered plaintiff to explain why he qualified to proceed *in forma pauperis*.
11 ECF No. 6. In response, plaintiff filed a notice declaring that he had paid the filing fee in full.
12 ECF No. 10. The court’s financial office, however, has confirmed that plaintiff has not paid the
13 full filing fee.

14 In light of the foregoing, I find that plaintiff has failed to demonstrate that he has
15 insufficient assets to pay the filing fee and costs and provide the necessities of life. *See Escobedo*
16 *v. Applebees*, 787 F.3d 1226, 1234 (9th Cir. 2015) (“An affidavit in support of an IFP application
17 is sufficient where it alleges that the affiant cannot pay the court costs and still afford the
18 necessities of life.”).

19 Accordingly, it is hereby ORDERED that the Clerk of Court assign a district judge this
20 matter.

21 Further, it is hereby RECOMMENDED that:

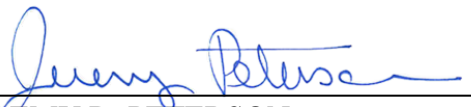
- 22 1. Plaintiff’s application to proceed *in forma pauperis*, ECF No. 2, be denied.
- 23 2. Plaintiff be given twenty-one days from the date of any order adopting these findings
24 and recommendations to pay the filing fee of \$405.

25 These findings and recommendations are submitted to the United States District Judge
26 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days of
27 service of these findings and recommendations, any party may file written objections with the
28 court and serve a copy on all parties. Any such document should be captioned “Objections to

1 Magistrate Judge's Findings and Recommendations," and any response shall be served and filed
2 within fourteen days of service of the objections. The parties are advised that failure to file
3 objections within the specified time may waive the right to appeal the District Court's order. *See*
4 *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir.
5 1991).

6
7 IT IS SO ORDERED.

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9 Dated: July 16, 2025


JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE